

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

S.B., et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.

Defendants.

CASE NO. 2:19-cv-00069-RSL

DECLARATION OF TRICIA
BOERGER IN RESPONSE TO
PLAINTIFFS' MOTION FOR
RELIEF UNDER FRCP 17(c)(2)

I, Tricia Boerger, hereby declare as follows:

1. I am an Assistant United States Attorney for the Western District of Washington and am the attorney of record representing the Defendants in the above-captioned case.

As the attorney of record, I am familiar with the case file and records in this matter. The statements below are based upon my review of the file and records in this matter.

2. Plaintiffs S.B. and M.B. were wards of the State of Washington until jurisdiction was transferred to the Muckleshoot Indian Tribe (the "Tribe") on October 15, 2013. The children have remained in the dependency of the Tribe since that date.

1 3. Plaintiffs, J.M. Jr. and G.M. have been in the dependency of the Tribe since May
2 2013, but were not previously wards of the State.

3
4 4. M.B., J.M. Jr., and G.M. are domiciled on the Tribal reservation.

5 5. S.B. has a Tribal Court appointed guardian ad litem.

6 6. Based upon information and belief, as of the time of filing of this response, Bruce
7
8 A. Wolf has not sought a guardian ad litem appointment from the Tribal Court.

9 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of
10 the United States that the foregoing is true and correct to the best of my knowledge and
11 belief.

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13 Executed this 30th day of September, 2019 at Seattle, Washington.

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15
16 s/ Tricia Boerger
17 Tricia Boerger, WSBA No. 38581
18 Assistant United States Attorney
19 United States Attorney's Office
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers.

It is further certified that on September 30, 2019, I electronically filed said pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

Allen M. Ressler allen@resslertesh.com

Timothy Rolland Tesh tim@resslertesh.com

Allison Margaret Croft allison.croft@atg.wa.gov

Zebular J. Madison zebular.madison@atg.wa.gov

I further certify that on September 30, 2019, I mailed by United States Postal Service said pleading to the following non-CM/ECF participant(s)/CM/ECF participant(s), addressed as follows:

-0-

Dated this 30th day of September, 2019.

/s/ Tricia Boerger

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